IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Review Application No.8 of 2007 (O.&M.)
in L.P.A. No.133 of 2007
Date of Decision: 25.4.2008

State of Punjab and others.

..... Applicants-appellants
through Shri Amol Rattan Singh, Additional Advocate General.

Versus

Kamaljit Kaur.

..... Non-applicant/Respondent
through Nemo

CORAM: HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

....

VIJENDER JAIN, CHIEF JUSTICE

This is an application under Order 47 Rule 1 read with Section 151 of the C.P.C. for review of order dated 2.11.2007 vide which L.P.A.No.133 of 2007 was disposed of. An application for staying the proceedings in C.O.C.P. No.480 of 2007 has also been filed.

The learned Single Judge, while allowing C.W.P.No.2921 of 1994 filed by non-applicant/respondent, gave the following direction vide his judgment dated 18.10.2006:-

> "The petitioner will be entitled to be reinstated in service with all consequential benefits. However, the respondents will be at liberty to proceed against the petitioner, in accordance with law by holding any enquiry."

The aforesaid judgment of the learned Single Judge was challenged by the applicants-appellants in L.P.A.No.133 of 2007. At the time of hearing of the said appeal, it was brought to the notice of this Court that the direction issued by the learned Single Judge stood complied with, Therefore, the appeal was disposed of vide order dated 2.11.2007, which reads as under:-

> "Pursuant to the impugned order passed by the Single Bench, an enquiry has already been initiated by the appellants.
>
> Since the directions issued by the learned Single Judge stands complied with, the appeal is disposed of."

Learned counsel for the applicants-appellants contended that in the enquiry held against the non-applicant/ respondent, she was found guilty of misconduct and was, accordingly, dismissed from service. He submitted that in the meanwhile, the non-applicant/respondent had filed a petition for contempt ostensibly seeking the consequential benefits which had been directed to be released by the learned Single Judge, the proceedings in which deserve to be stayed in view of the fact that she has already been dismissed from service. He further submitted that the non-applicant/respondent had separately assailed the order of dismissal from service by way of filing a writ petition which has also been dismissed.

We have heard the learned counsel for the applicants-appellants and have perused the record.

Since the non-applicant/respondent has been dismissed from service after holding an enquiry pursuant to the directions of the learned

Single Judge and the writ petition filed by her challenging the order of dismissal has already been dismissed, we clarify that the direction with regard to release of consequential benefits to her does not hold good.

With the above observation, these applications are disposed of.

(Vijender Jain)
Chief Justice

April 25,2008
"SCM"

(Mahesh Grover)
Judge